



Policy: 3020
Procedure: 3020.02
Chapter: Medical/Dental Health Records
Rule: Confidentiality of
Medical/Dental Health Records

Effective: 04/08/08
Replaces: 3020.02
Dated: 03/20/07

Purpose:

Arizona Department of Juvenile Corrections (ADJC) Medical Services shall protect the confidentiality, control the release of any information contained within a juvenile's medical/dental health record, and ensure that health information of juveniles be held confidential. **Copying and/or maintaining medical/dental records for activities other than those stated in this procedure or for administrative purposes are strictly prohibited.**

Rules:

1. **MEDICAL RECORDS LIBRARIAN (MRL)** shall maintain juvenile medical/dental health records separately from the juvenile's Field File.
2. Only the **MRL OR QUALIFIED HEALTH CARE PROFESSIONAL (QHCP)** may remove any medical or dental records from the juvenile's medical files for copying purposes.
3. The **PARENT, LEGAL GUARDIAN, JUVENILE, OR OTHER APPROVED ENTITY REQUESTING COPIES OF THE JUVENILE'S HEALTH RECORD** shall submit completed Form 3020.02A Authorization to Release Information or an official form from an outside government or private entity. The **MRL OR DESIGNEE** shall forward the copies to the approved requestor.
 - a. The **REQUESTOR FOR THE MEDICAL/DENTAL HEALTH RECORD** shall minimally include in the request:
 - i. Name, address, daytime telephone, and affiliation of the requesting party;
 - ii. Specific information to be released;
 - iii. A statement as to the purpose of the information and to whom the data will be distributed or disclosed;
 - iv. Name of the juvenile; and
 - v. Signatures of the juvenile and/or his/her parent or legal guardian.
 - b. The **MRL OR DESIGNEE** shall use the following timeframes for release of information:
 - i. Active files:
 - (1) **ADJC EMPLOYEES** shall send these requests to the MRL or designee of the facility where the juvenile is located;
 - (2) The **MRL OR DESIGNEE** shall use the following timeframes for release of information:
 - (a) Emergency: immediately;
 - (b) Juvenile care: within 24 hours; and
 - (c) All other outside requests: within seven business days.
 - ii. Archive files:
 - (1) **ADJC EMPLOYEES** shall send these requests to the Adobe Mountain School (AMS) MRL;
 - (2) The **AMS MRL** shall complete these requests within seven business days of receipt of the archived file;
 - (3) Within five business days of not receiving the file, the **MRL** shall request the record again.
 - c. The **MRL OR DESIGNEE** shall maintain the electronic Shared Request Log to track the step-by-step progress toward completion of each release of information request. The **MRL** shall:
 - i. Update the log regularly; and
 - ii. Assign proper priorities with regard to:
 - (1) Date received;

- (2) Name of juvenile;
 - (3) Name and address of requestor; and
 - (4) Information released.
 - d. The **MRL OR DESIGNEE** shall adhere the following exception in regard to releasing information to the juvenile's parent or guardian:
 - i. The right to obtain access to and request amendment of protected health information rests with the individual (juvenile) or with the "personal representative" of that individual, based on that person's right (under state or other applicable law) to control the health care itself. Because a parent or guardian usually has authority to make health care decisions about his or her minor child, that person generally is the child's personal representative. The following situations are exceptions to that general rule; under these circumstances, the parent will NOT be the child's personal representative (45 C.F.R. §164.502(g)(3)(i):
 - (1) If state law authorizes the child to give consent to the treatment as an adult without parental consent (regardless of whether parental consent has also been obtained) and the minor has not requested that the parent be treated as the personal representative;
 - (2) If a court authorizes someone other than the parent to make treatment decisions for the child;
 - (3) If a parent agrees to a confidential relationship between the child and the health care provider, in which case the parent does not have control over the information that was the subject of that confidential relationship;
 - (4) If the treatment provider reasonably believes in his or her professional judgment that the child has been or may be subject to abuse or neglect by the parent, or that treating the parent as the child's personal representative could endanger the child and that it is not in the child's best interest to treat the parent as the personal representative.
 - ii. Juveniles have control over their own health care records regarding:
 - (1) Substance abuse treatment;
 - (2) The results of medical tests and records of medical treatment for which they have given their own approval for testing and treatment. Additionally, in Arizona, an unemancipated minor can consent to diagnosis and treatment for venereal disease without his/her parents' permission.
 - (a) When a minor consents to treatment for a sexually transmitted disease, s/he has the right to get and amend his/her own medical records related to this treatment;
 - (b) Parents do not have the right to access information related to this treatment without written permission.
- 4. The **MRL OR QHCP** shall release records in medical, dental, or psychiatric emergency cases where failure to release the information in a timely manner to a QHCP or Qualified Mental Health Professional (QMHP) may result in harm to the juvenile.
- 5. The **MRL OR DESIGNEE** shall forward the following requests for information to the Attorney General Liaison (AGL):
 - a. Court Order or when a specific law or regulation permits;
 - b. When the internal needs of the agency or the outside regulatory or licensing body requires or permits such access;
 - c. When responding to a Subpoena Duces Tecum;
 - d. Requests received from attorneys, public defenders, law enforcement, and other entities;
 - e. Public requests.
 - i. Public access: The public is defined as individuals who are not judges, clerks, administrators, professionals, or employees of other agencies who are authorized by state or federal law to inspect and copy juvenile court records for legal or treatment purposes.

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- f. For any request of the entire medical record.
6. The **MRL OR DESIGNEE** shall:
- Confer with the AGL for any questions or clarification of the release of records;
 - Log all requests that have been forwarded to the AGL on the Shared Request Log;
 - Forward copies of all requests on the Shared Request Log via Global Scan to the AGL and the Central Office Records Supervisor.
7. The **QUALIFIED HEALTH CARE PROFESSIONAL (QHCP) OR MRL** shall complete Form 3020.02B Authorization to Release Information to ADJC when requesting confidential medical information from another health care entity.
8. The **MRL OR DESIGNEE** may copy information from the juvenile's Health Records upon receiving Form 3020.02C, D, E, or F Authorization to Release Information from Inspections and Investigations Division (IID) employee or other appropriate authority in the process of an investigation.
- The **QHCP** shall discuss juvenile's health information with IID or other appropriate authority:
 - In the process of an investigation;
 - In cases of child abuse that must be reported in accordance to Procedure 1160.05 Reporting Suspected Child Abuse.
9. The **QHCP** may provide health information to other ADJC employees on a need-to-know basis in order to assist programming and treatment.

Signature Date

4/8/08

Approved by Process Owner

Kellie M. Warren

Kellie M. Warren, Psy. D., Deputy Director

Effective Date

4/8/08

Approved by

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